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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA)
)
VS.) Criminal No. 4:12CR201
)
JOHN CHRISTIE)

SENTENCING
BEFORE THE HONORABLE MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE
JUNE 28, 2013

APPEARANCES:
FOR THE GOVERNMENT: Mr. Shamoil Shipchandler
 Assistant United States Attorney
 101 East Park Boulevard
 Suite 500
 Plano, Texas 75074
 (972) 509-1201

FOR THE DEFENDANT: Mr. Harold R. Hagen
 Jackson & Hagen
 100 W. Oak Street
 Suite 302
 Denton, Texas 76201-4164
 (940) 566-1001

COURT REPORTER: Ms. Lori Barnett
 P.O. Box 1993
 Van Alstyne, Texas 75495
 (903) 712-2273

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P R O C E E D I N G S

THE COURT: Cause number 4:12cr201, defendant two,
United States of America vs. John Christie.

All right. You want to note your appearances?

MR. SHIPCHANDLER: Shamoil Shipchandler for the
United States, ready to proceed.

MR. HAGEN: Judge, I'm Rick Hagen for the defense,
and we're ready to proceed as well.

THE COURT: All right. Have counsel and defendant
read and discussed the presentence report, including any
revisions?

MR. HAGEN: Your Honor, I'm having trouble hearing
you.

THE COURT: Have counsel and defendant read and
discussed the presentence report, including any
revisions?

MR. HAGEN: Yes, ma'am, we have.

THE COURT: Has counsel fully explained the report
to the defendant?

MR. HAGEN: Yes, ma'am.

THE COURT: And Mr. Christie, do you fully
understand the presentence report?

THE DEFENDANT: Yes, ma'am.

THE COURT: Does counsel or defendant wish to make
any comments, additions or corrections to the report?

1 MR. HAGEN: Beg your pardon?

2 THE COURT: Does counsel or defendant wish to make
3 any comments, additions or corrections to the report?

4 MR. HAGEN: No, ma'am.

5 THE COURT: And Mr. Christie, does the report
6 adequately cover your background?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Has the government read the report and
9 does it wish to make any comments, additions or
10 corrections?

11 MR. SHIPCHANDLER: Your Honor, the government has
12 reviewed the report and the government is satisfied.

13 THE COURT: And I believe no objections were
14 filed; is that correct?

15 MR. HAGEN: That's correct. Yes, ma'am.

16 THE COURT: To the extent I haven't previously
17 accepted the plea agreement, it is now accepted.

18 The Court finds that the information contained in
19 the presentence report has sufficient indicia of
20 reliability to support its probable accuracy. The Court
21 adopts the factual findings, undisputed facts and
22 guideline applicatlions in the presentence report. Based
23 upon a preponderance of the evidence presented and the
24 facts in the report, while viewing the sentencing
25 guidelines as advisory, the Court concludes the total

1 offense level is nine, criminal history level is one,
2 which provides for an advisory guideline range of four to
3 10 months.

4 Does defendant's counsel wish to make any remarks
5 on behalf of the defendant?

6 MR. HAGEN: Yes, ma'am. I do.

7 Judge, Mr. Christie was absolutely wrong in what
8 he did. He's been humiliated by his own conduct, and the
9 circumstances surrounding this offense are that he was
10 extorted by an elected official. And rather than report
11 that to authorities, he went along with the extortion to
12 see that a project that he had in the works continue.

13 He made three payments to the elected official,
14 then Mr. Christie stopped payment. When authorities
15 confronted Mr. Christie, he fully and completely
16 cooperated even before he had counsel. Since he's
17 retained counsel he's continued to cooperate and will do
18 anything necessary to provide information to see that the
19 government has whatever they need in their efforts to
20 curb any future offenses that may -- or additional
21 offenses that may have occurred.

22 Mr. Christie has never been arrested. He's been
23 married for 30 years, been in business for 40. And his
24 integrity has never been questioned. But he absolutely
25 made a mistake and he's going to ask for your

1 forgiveness.

2 THE COURT: All right. Does the defendant wish to
3 make a statement?

4 THE DEFENDANT: Yes, Your Honor.

5 I was wrong, I should have reported this incident
6 the minute it occurred. I'm humbled and I apologize for
7 that. I would like to apologize to my family, to you,
8 Your Honor, the United States and to say that I was
9 wrong.

10 THE COURT: Does the government wish to make any
11 remarks?

12 MR. SHIPCHANDLER: Thank you, Your Honor.

13 The government agrees that Mr. Christie has been
14 cooperative ever since he was confronted with the details
15 of the offense, and has provided information to the
16 government. We would defer to the Court in fashioning an
17 appropriate sentence. Thank you.

18 THE COURT: Does counsel know of any reason why
19 sentence should not be imposed at this time?

20 MR. SHIPCHANDLER: Not from the government, Your
21 Honor.

22 MR. HAGEN: No, ma'am.

23 THE COURT: Pursuant to the Sentencing Reform Act
24 of 1984, and having considered the factors noted in 18
25 U.S.C. Section 3553(a), and having consulted the advisory

1 sentencing guidelines, it is the judgment of the Court
2 that the defendant, John Christie, is hereby committed to
3 the custody of the Bureau of Prisons to be imprisoned for
4 six months on Count 2 of the indictment.

5 It is further ordered that the defendant shall pay
6 the United States a fine of \$5,000, which is due and
7 payable immediately. Any amount that remains unpaid when
8 the defendant's supervision commences, is to be paid on a
9 monthly basis at a rate of at least 10 percent of the
10 defendant's gross income, to be changed during
11 supervision if needed based on the defendant's changed
12 circumstances, pursuant to 18, U.S.C. Section 3572(d)3.

13 Additionally, at least 50 percent of receipts
14 received from income tax returns, inheritances,
15 nonrecurring bonuses, lawsuit awards, and any receipt of
16 money, to include, but not limited to gambling proceeds,
17 lottery winnings and found money, must be paid to the
18 unpaid fine balance within five days of receipt.

19 It is ordered the defendant shall pay the United
20 States a special assessment of \$100 which is due and
21 payable immediately.

22 Any and all financial penalties shall be made
23 payable by cashier's check or money order, made out to
24 the United States District Court and forwarded to the
25 Fine and Restitution Section, U.S. Courts, 1910 East

1 Southeast Loop 323, number 287, Tyler, Texas 75701.

2 Upon release from imprisonment, the defendant
3 shall be on supervised release for a term of one year.
4 Within 72 hours of release from the custody of the Bureau
5 of Prisons the defendant shall report in person to the
6 probation office in the district to which the defendant
7 is released.

8 While on supervised release the defendant shall
9 not commit another federal, state or local crime, shall
10 comply with the standard conditions that have been
11 adopted by the Court, and shall comply with the following
12 additional conditions:

13 The defendant shall not possess a firearm,
14 ammunition, destructive device or any other dangerous
15 weapon.

16 The defendant shall pay any financial penalty
17 imposed by this judgment.

18 The defendant shall provide the probation officer
19 with access to any requested financial information for
20 purposes of monitoring the defendant's employment.

21 The defendant shall not incur any credit charges
22 or open any additional lines of credit without the
23 approval of the probation officer, unless payment of any
24 financial obligation ordered by the Court has been paid
25 in full.

1 The defendant shall not participate in any form of
2 gambling unless payment of any financial obligation
3 ordered by the Court has been paid in full.

4 The Court finds that there's a low risk of
5 substance abuse by the defendant, and suspends the
6 requirement that he submit to mandatory drug testing.

7 The defendant shall cooperate in the collection of
8 DNA as directed by the probation officer.

9 The defendant shall forfeit his real estate sales
10 person and corporate broker license. And he needs to do
11 that to remain on pretrial release. So he needs to do it
12 now.

13 MR. HAGEN: Beg your pardon?

14 THE COURT: It is a condition of his pretrial
15 release, as well as supervised release.

16 MR. HAGEN: Yes, ma'am.

17 THE COURT: So it needs to be done immediately if
18 he wants to remain on pretrial release.

19 MR. HAGEN: Yes, ma'am.

20 THE COURT: All right. Like today, if you have
21 those documents.

22 MR. HAGEN: Okay. And Judge, I really had a hard
23 time hearing you. I apologize. Which documents do you
24 need?

25 THE COURT: His sales person -- real estate sales

1 person license and his broker's license.

2 MR. HAGEN: We do not have those on us today, but
3 we're not far from the office. We can probably get that
4 done today.

5 THE COURT: Okay. He can't be released until that
6 is done.

7 MR. HAGEN: Beg your pardon?

8 THE COURT: He cannot be released until those show
9 up. That's a condition of continuing on bond.

10 MR. HAGEN: Yes, ma'am. Are we allowed to go to
11 his office and get it and come back?

12 THE COURT: Not with him.

13 MR. HAGEN: Okay.

14 THE COURT: He stays here until we have it.

15 MR. HAGEN: Yes, ma'am.

16 THE COURT: All right. Okay. The Court finds
17 this to be a reasonable sentence in view of the nature
18 and circumstances of the offense entailing the
19 defendant's misprision of a felony. His agreeing to pay
20 the mayor of the City of Melissa \$70,000 for his support
21 in obtaining the annexation of a parcel of land by the
22 city from a neighboring jurisdiction knowing that it was
23 unlawful for the mayor to secure the illicit payment and
24 his actually paying the mayor \$30,000 in furtherance of
25 the plan while concealing the nature of the scheme. It

1 will serve as just punishment, promote respect for the
2 law, and deter future violations of the law.

3 You have a right to appeal the conviction if you
4 believe that the guilty plea was somehow unlawful or
5 involuntary, or if there was some other fundamental
6 defect in the proceedings that were not waived by your
7 guilty plea.

8 You have a statutory right to appeal your sentence
9 under certain circumstances, particularly if you feel
10 this sentence is contrary to law. The defendant,
11 however, may waive those rights as part of the plea
12 agreement, and you have entered into a plea agreement
13 which waives certain rights to appeal your conviction and
14 sentence. With the exception of the reservation of right
15 to appeal on specified grounds set forth in the plea
16 agreement, you've waived any appeal, including collateral
17 appeal, of any error which may have occurred surrounding
18 the substance, procedure, or form of the conviction and
19 sentence in this case. Such waivers are generally
20 enforceable, but if you believe the waiver is
21 unenforceable, you can present that theory to the
22 appellate court. With few exceptions, any notice of
23 appeal must be filed within 14 days of judgment being
24 entered in your case.

25 If you are unable to pay the cost of an appeal,

1 you may apply for leave to file informa pauperis. If you
2 so request, the clerk of the court will prepare and file
3 a notice of appeal on your behalf.

4 The presentence report is made part of the record
5 and is placed under seal, except counsel for the
6 government and defense may have access to it for purposes
7 of appeal. Are there any other counts?

8 MR. SHIPCHANDLER: No, ma'am.

9 THE COURT: All right. Well, you will continue on
10 bond as soon as he provides these documents, on the same
11 conditions of release as before. And then he needs to
12 surrender to the facility by August 12th at 2:00 p.m. if
13 the facility has been designated. If not, to the
14 Marshals here in Sherman. And is there a particular
15 facility you wish to request?

16 MR. HAGEN: Yes, ma'am. Bastrop or Fort Worth.

17 THE COURT: All right. My experience is the Fort
18 Worth facility is going to be full, too. Bastrop may
19 also be full.

20 MR. HAGEN: Bastrop or Texarkana.

21 THE COURT: I'll recommend Bastrop.

22 MR. HAGEN: Yes, ma'am.

23 THE COURT: And again, I don't recommend a
24 particular custody classification, that is up to the BOP.

25 MR. HAGEN: Yes, ma'am.

1 THE COURT: All right. If there's nothing
2 further, then you're excused. Except he's unexcused.
3 You're excused to go get those documents.

4 MR. HAGEN: Yes, ma'am.

5 THE COURT: All right.

6 MR. SHIPCHANDLER: Thank you, Your Honor.

7 THE COURT: All right.

8 (End of proceedings)

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1 I certify that the foregoing is a correct transcript from the
2 record of proceedings in the above-entitled matter.

3

4 /s/ Lori Barnett
5 COURT REPORTER

7/13/13
DATE

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